

**Introduced by Senator Galgiani**

February 7, 2013

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An act to amend Section 23124 of the Vehicle Code, relating to vehicles.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 194, as introduced, Galgiani. Vehicles: electronic wireless communications device: prohibitions.

Existing law prohibits a person from using a wireless telephone while driving unless the telephone is specifically designed and configured to allow hand-free listening and talking, and is used in that manner while driving. Existing law also prohibits a person from driving a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication, unless the electronic wireless communications device is specifically designed and configured to allow voice-operated and hands-free operation, as specified. Under existing law, a person who is under 18 years of age is prohibited from using a wireless telephone, even if equipped with a hands-free device, or using a mobile service device, as defined, while driving. A violation of these provisions is an infraction.

This bill would prohibit a person who is under 18 years of age from using an electronic wireless communications device, as defined, even if it is equipped with a hands-free device. By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 23124 of the Vehicle Code is amended  
2 to read:  
3 23124. (a) This section applies to a person under the age of  
4 18 years.  
5 (b) ~~Notwithstanding Section Sections 23123 and 23123.5, a~~  
6 ~~person described in subdivision (a) shall not drive a motor vehicle~~  
7 ~~while using a wireless telephone, even if equipped with a~~  
8 ~~hands-free device, or while using a mobile service device or an~~  
9 ~~electronic wireless communications device, even if equipped with~~  
10 ~~a hands-free device.~~  
11 (c) A violation of this section is an infraction punishable by a  
12 base fine of twenty dollars (\$20) for a first offense and fifty dollars  
13 (\$50) for each subsequent offense.  
14 (d) A law enforcement officer shall not stop a vehicle for the  
15 sole purpose of determining whether the driver is violating  
16 subdivision (b).  
17 (e) Subdivision (d) does not prohibit a law enforcement officer  
18 from stopping a vehicle for a violation of Section 23123 *or*  
19 *23123.5*.  
20 (f) This section does not apply to a person using a wireless  
21 telephone or a mobile service device for emergency purposes,  
22 including, but not limited to, an emergency call to a law  
23 enforcement agency, health care provider, fire department, or other  
24 emergency services agency or entity.  
25 (g) For the purposes of this section, ~~“mobile service device”~~  
26 ~~“electronic wireless communications device”~~ includes, but is not  
27 limited to, a broadband personal communication device, specialized  
28 mobile radio device, handheld device or laptop computer with  
29 mobile data access, pager, and two-way messaging device.  
30 ~~(h) This section shall become operative on July 1, 2008.~~  
31 SEC. 2. No reimbursement is required by this act pursuant to  
32 Section 6 of Article XIII B of the California Constitution because  
33 the only costs that may be incurred by a local agency or school  
34 district will be incurred because this act creates a new crime or  
35 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of  
2 the Government Code, or changes the definition of a crime within  
3 the meaning of Section 6 of Article XIII B of the California  
4 Constitution.

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